

## 6. Pollution Prevention Ordinance

The pollution prevention ordinance promotes good housekeeping practices that are designed to significantly reduce and control storm water urban runoff pollution which runs into storm drains, treatment facilities and local waterways. The ordinance prohibits a number of land use activities and provides penalties for repeat offenders. New development is also targeted. An Urban Runoff Mitigation Plan is a requirement designed to minimize the negative impact of development on water resources. Furthermore, Article 8, requires that an educational plan be developed in order to inform the public about needed changes in behaviors and land uses.

### Pollution Prevention Requirements Ordinance

#### **Article 1**

##### **Findings.**

1.1 The \_\_\_\_\_ (city/parish government) finds and declares: (a) The Parish/City of \_\_\_\_\_ storm and surface water drainage system is planned, designed and operated to handle storm water runoff flows from public and private properties. In order to function effectively, this system requires all private connections to it to be properly constructed, maintained and operated. (b) Storm water runoff flows from individual properties onto the streets, then through storm drains to the coast. It is therefore in the public interest to ensure that both public and private drainage systems are properly maintained in order to facilitate the proper functioning of the City's storm and surface water drainage system, and to prevent pollutants from entering \_\_\_\_\_ (local watershed) and ultimately the Gulf of Mexico. (c) The most significant pollutants in urban runoff come from particulate from erosion and sedimentation, pesticides, fertilizers, pathogens, nonfunctioning onsite disposal system OSDS and oil and grease. (e) In order to better control the quantity and quality of urban runoff pollution, an active program requiring existing properties to adopt "good housekeeping" practices is essential. (f) Public education about urban pollution sources, as well as changes in behaviors and land use activities is an important component to success pollution reduction.

#### **Article 2.**

##### **Purpose.**

2.1 The purpose of this Chapter is to permanently modify many of the causes of urban runoff pollution. The objective of this Chapter is the reduction of runoff contamination from existing residential and nonresidential properties and from future developments.

#### **Article 3.**

##### **Definitions.**

3.1 The following words and phrases shall have the following meanings when used in this Chapter:

3.1.1) Area Susceptible to Runoff. Any nonpermeable surface directly exposed to precipitation or in the path of runoff caused by precipitation, which leads directly to neighboring properties or to the street.

3.1.2) Best Management Practices ("BMP"). Practices principally applicable to land use activities and maintenance behaviors (i.e. construction sites, parking lots and new developments) which reduce the toxicity, sediments and nutrients contained in, and the volume of, water which runs into storm drains, treatment facilities and the local waterways.

3.1.3) Good Housekeeping Requirements ("GHR"). Storm water pollution control practices applicable to existing properties which have been demonstrated to significantly reduce and control storm water urban runoff pollution which runs into storm drains, treatment facilities and the local waterways.

3.1.4) New Development (and redevelopment). For purposes of this Chapter, new development shall be defined as an increase of fifty percent or greater in the size of a single-family home, addition of one or more dwelling units in a multifamily structure, or improvements to a nonresidential property which are valued at fifty percent or more of the value of the existing improvements on the site.

#### **Article 4.**

##### **Good housekeeping requirements for reduction of urban runoff at existing properties.**

4.1) The following good housekeeping requirements shall be adhered to by all persons within the Parish/City of \_\_\_\_\_.

##### **Collection, Storage and Minimization of Runoff.**

4.2.1) Water used for irrigation/watering/cleaning purposes shall not be allowed to run off of a site. In addition, washing down of paved areas shall be prohibited unless necessary for health or safety purposes.

4.2.2) The uncovered outdoor storage of unsealed containers of building materials containing hazardous substances/nutrients/pesticides is prohibited in areas susceptible to runoff.

##### **Maintenance of Equipment.**

4.3.1) Objects such as vehicle motor parts containing grease, oil or other hazardous substances, and unsealed receptacles containing hazardous materials, shall not be stored in areas susceptible to runoff.

4.3.2) Any machine which is to be repaired or maintained in an uncovered outdoor area shall be placed on a pad of absorbent material to contain leaks, spills or small discharges.

4.3.3) Machinery and equipment, including motor vehicles, which are leaking visible amounts of oil or fluid must be repaired.

##### **Removal of Debris and Residue.**

4.4.1) All impervious parking lots used for motor vehicle parking shall be swept and debris collected and properly disposed of, at minimum, on a monthly. Lots with more than ten parking spaces and all public parking facilities shall be vacuum swept, at minimum, on a quarterly basis, to remove chemical residue. However, lots are not required to be vacuum swept for one month following a day when precipitation of one-half inch or more occurs.

4.4.2) Fuel and chemical residue or other types of potentially harmful material, such as animal waste, garbage or batteries, which is located in an area susceptible to runoff, shall be removed

immediately and disposed of properly. Household hazardous waste may be disposed of at the City's household hazardous waste collection facility or at any other appropriate disposal site and shall not be placed in a trash container. (See Article 9)

4.4.3) Intentional disposal of landscape debris into a storm drain is prohibited.

#### **Prohibition on Use of Pesticides and Fungicides Banned from Manufacture.**

4.5 Use of any pesticide, herbicide or fungicide, the manufacture of which has been either voluntarily discontinued or prohibited by the Environmental Protection Agency, is prohibited by this ordinance. Those substances include but are not limited to any contained on the list below:

##### **Banned Substances:**

Aldrin, BHC, Biothional, Captafol, Carbon Tetrachloride, Chloranil, Chlordane, Chlordimeform, Copper Arsenate (Basic), Cyhexatin, DBCP, DDD (TDE), DDT, Dieldrin, Dinoseb, EDBC's, Zineb, Wabam, Endrin, EPN, Fluoroacetamide, Heptachlor, Monocrotophos, OMPA, Phenarazine Chloride, PCB's, PCT's, Safrole, Silvex/ 2, 4, 5T, Sodium Monofluoroacetate, Strobane 2, 4, 5TCP and its salts, Thallium Sulfate, TOK, Toxaphene, TBT, Lead Arsenate, Calcium Arsenate, Pentachlorophenol, Creosote

#### **Article 5.**

##### **Penalties for failure to comply with good housekeeping requirements.**

5.1 The, \_\_\_\_\_ ( ) or his or her designee, is authorized to enforce Article 4 as follows:

5.1.1) For the first failure to comply with any provision of Article 4, the \_\_\_\_\_ shall issue to the affected person a written notice which includes the following information: (i) A statement specifying the violation committed; (ii) A specified time period within which the affected person must correct the failure or file a written notice disputing the notice of failure to comply; (iii) A statement of the penalty for continued noncompliance.

5.1.2) For each subsequent failure to comply with any provision of Article 4 following written notice pursuant to this Article, the \_\_\_\_\_ may levy a penalty of one hundred dollars. Any statement informing a violator of a citation shall include a notice setting forth the hearing rights provided in Article 5 subsection (a)(3) below.

5.1.3) Any person assessed a penalty pursuant to Article 5 subsection (a)(2) may dispute the penalty by requesting a hearing on a form provided by the Parish/City within 15 days of the penalty assessment, provided that no hearing request shall be deemed timely filed and no hearing shall be held unless, within the time period to request a hearing, the person deposits with the Parish/City Treasurer money in the amount of any unpaid penalty due under this Article. If as a result of the hearing it is determined that the penalty was wrongly assessed, the Parish/City shall refund any money. The decision of the \_\_\_\_\_ shall be final except for judicial review.

5.1.4) It shall not be a defense to the assessment of any penalty or to any other civil enforcement action provided for under this Article for a person to assert that any violation of this ordinance was caused by the actions of a person other than the person assessed except if the violation was caused by the criminal or negligent action of a person who was not an agent, servant, employee or family member of the person.

5.1.5) Any penalty collected hereunder shall be deposited in the \_\_\_\_\_ Fund to be used for costs and expenses of administration and enforcement of this Ordinance. (a) The violation of the good household requirements shall constitute an infraction punishable by a fine of one hundred dollars. Each day that a violation occurs shall constitute a separate offense. (b) A violation of any provision of the good housekeeping requirements is declared to be a public nuisance and the City Attorney is authorized to abate such violation(s) by means of a civil action. (c) The penalties and remedies established by this Ordinance shall be cumulative.

## **Article 6.**

### **Urban runoff reduction requirements for new development (or redevelopment).**

6.1 The following urban runoff reduction requirements shall apply to all persons submitting applications for new development within the Parish/City of \_\_\_\_\_.

6.2 At the time of submittal of an application for the first planning approval for a new development project, an applicant shall be required to submit an Urban Runoff Mitigation Plan to the \_\_\_\_\_.

6.3 In developing an Urban Runoff Mitigation Plan, a developer shall reduce projected runoff for a project by at least twenty percent through incorporation of design elements or principles which address each of the goals set forth below as subdivisions (6.3.1), (6.3.2) and (6.3.3) of this subsection. Although design elements are set forth as if they address only one goal, in many cases they address more than one and can be used to address multiple goals in achieving the reduced runoff to be achieved by the mitigation plan:

6.3.1) Increase permeable areas: (i) Maximize the percentage of permeable surfaces and green space to allow more percolation of runoff into the ground. The use of porous materials for or near walkways will increase the amount of runoff seepage into the ground, (ii) Use natural drainage, detention ponds or infiltration pits so that runoff may collect and seep into the ground and reduce or prevent off-site flows, (iii) Divert and catch runoff through the use of swales, berms, green strip filters, and gravel beds (iv) Construct driveways and walkways from porous materials to allow increased percolation of runoff into the ground;

6.3.2) Minimize the amount of runoff directed to impermeable areas and/or maximize storm water storage for reuse: (i) Install rain gutters and orient them towards permeable surfaces rather than driveways or nonpermeable surfaces so that runoff will penetrate into the ground instead of flowing off-site, (ii) Modify grades of property to divert flow to permeable areas and to minimize the amount of storm water leaving the property, (iii) Use sediment traps to intercept runoff from drainage areas and hold or slowly release the runoff, with sediments held in the trap for later removal, (iv) Use retention structures or design rooftops to store runoff. Utilize subsurface areas for storm runoff either for reuse or to enable release of runoff at predetermined times or rates to minimize the peak discharge into storm drains. Cisterns are also a possible storage mechanism for reuse, (v) Design curbs, berms or the like so as to avoid isolation of permeable or landscaped areas;

6.3.3) Reduce parking lot pollution: (i) All parking lots are required to have the capability to contain one inch of precipitation in a twenty-four-hour period. Options to meet this requirement include use of green strip filters and porous pavement to capture and percolate runoff where possible, and use of oil and water separators or clarifiers to remove petroleum-based contaminants and other pollutants which are likely to accumulate, (ii) Direct runoff toward permeable areas and away from pollutant laden areas such as parking lots, (iii) Construct parking lots from porous materials.

6.4) The Parish/City's evaluation of each Urban Runoff Mitigation Plan will ascertain how well the proposed plan meets the combined objectives set forth in subsection (6.3) above. Each plan will be evaluated on its own merits according to the particular characteristics of the project and the site to be developed.

6.5) The \_\_\_\_\_ shall approve or disapprove the plan within fifteen calendar days of submittal. If the plan is disapproved, the reasons for disapproval shall be given in writing to the developer. Any plan disapproved by the \_\_\_\_\_ or his or her designee must be revised by the developer and resubmitted for approval. A resubmitted plan will be approved or disapproved within fourteen calendar days of submittal. No building permit shall be issued until an Urban Runoff Mitigation Plan has been approved by the Department of General Services.

6.6) Full or partial waivers of compliance with this Article may be obtained by persons who apply on forms supplied by the Parish/City and show that incorporation of design elements that address the objectives set forth in subsection (6.3) above is an economic and physical impossibility due to the particular configuration of the site or to irreconcilable conflicts with other Parish/City requirements. Requests for waivers shall be granted or denied, in writing, by \_\_\_\_\_

6.7) Compliance with an approved Urban Runoff Mitigation Plan shall be a condition of any required planning approval.

#### **Article 7 Penalties for failure to comply with urban runoff reduction requirements.**

7.1 The, \_\_\_\_\_ ( ) or his or her designee, is authorized to enforce Article 6 as follows:

7.1.1 For the first failure to comply with any provision of Article 6, the \_\_\_\_\_ shall issue to the affected person a written notice which includes the following information: (i) A statement specifying the violation committed; (ii) A specified time period within which the affected person must correct the failure or file a written notice disputing the notice of failure to comply; (iii) A statement of the penalty for continued noncompliance.

7.1.2 For each subsequent failure to comply with any provision of Article 6 following written notice pursuant to this Article, the \_\_\_\_\_ may levy a penalty of five hundred dollars. Any statement informing a violator of a citation shall include a notice setting forth the hearing rights provided in subsection 7.1.3 below.

7.1.3 Any person assessed a penalty pursuant to Article 7 may dispute the penalty by requesting a hearing on a form provided by the Parish/City within 15 days of the penalty

assessment, provided that no hearing request shall be deemed timely filed and no hearing shall be held unless, within the time period to request a hearing, the person deposits with the Parish/City Treasurer money in the amount of any unpaid penalty due under this Article. If as a result of the hearing it is determined that the penalty was wrongly assessed, the Parish/City shall refund any money deposited. The decision of the \_\_\_\_\_ shall be final except for judicial review.

7.1.3 It shall not be a defense to the assessment of any penalty or to any other civil enforcement action provided for under this Article for a person to assert that any violation of this ordinance was caused by the actions of a person other than the person assessed except if the violation was caused by the criminal or negligent action of a person who was not an agent, servant, employee or family member of the person.

7.1.4 Any penalty collected hereunder shall be deposited in the \_\_\_\_\_ Fund to be used for costs and expenses of administration and enforcement of this Ordinance.

a) The violation of the urban runoff reduction provisions shall constitute an infraction punishable by a fine of five hundred dollars. Each day that a violation occurs shall constitute a separate offense.

b) A violation of any provision of the urban runoff reduction provisions is declared to be a public nuisance and the City Attorney is authorized to abate such violation(s) by means of a civil action.

c) The penalties and remedies established by this Ordinance shall be cumulative.

#### **Article 8 Parish/Citywide urban runoff pollution education program.**

The \_\_\_\_\_, along with other Parish/City Departments, shall conduct an informational program to educate the public about the dangers of urban runoff pollution and the means of controlling such pollution. The program shall educate residents and business persons who operate within the Parish/City about the contents of this Ordinance prior to and following its effective date.

#### **Article 9: Household Hazardous Waste Disposal Program**

The \_\_\_\_\_ Parish/City will establish a quarterly household hazardous waste disposal program for its citizens, which will ensure proper disposal of hazardous chemical and substances. Drop-off locations and dates will be publicized in the local paper at least 10 days prior to the scheduled disposal date.

#### **Article 10: Severability**

The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence or paragraph of this ordinance or the application thereof to any person, establishment or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this ordinance.

**Article 11: Adoption of Ordinance**

This Ordinance shall be in full force and effect \_\_\_\_ days after its final passage and adoption.  
All prior ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by the following vote